

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

J. KEVIN GARVEY,	)	
	)	
Plaintiff,	)	Civil No. 07-886-AS
	)	
v.	)	<u>ORDER</u>
	)	
PIPER RUDNICK LLP LONG TERM	)	
DISABILITY INSURANCE PLAN; STANDARD	)	
INSURANCE COMPANY, a subsidiary of	)	
Stancorp Financial Group, Inc.,	)	
	)	
Defendants.	)	

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JONES, Judge:

Magistrate Judge Donald C. Ashmanskas filed Findings and Recommendation (#29) on January 3, 2008, in the above entitled case. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Plaintiff has timely filed objections. I have, therefore, given de novo review of Magistrate Judge Ashmanskas's rulings.

I find no error. Accordingly, I ADOPT Magistrate Judge Ashmanskas's Findings and Recommendation (#29) dated January 3, 2008, in its entirety. Plaintiff's motion (#22) to amend his complaint is denied based on the futility of the proposed amendment. Defendants' motion

(#19) to dismiss Standard and Plaintiff's second claim for relief under Section 1132(a)(3) and Defendants' motion (#7) to transfer this action to the Northern District of Illinois are granted.

IT IS SO ORDERED.

DATED this 12th day of February, 2008.

/s/ Robert E. Jones

ROBERT E. JONES

U.S. District Judge